

AMENDMENTS TO H.R. 5005
AS ADOPTED BY THE COMMITTEE ON SCIENCE
ON JULY 10, 2002

Page 4, after line 10, insert the following and re-number subsequent paragraphs accordingly:

1 (3) The term “critical infrastructure” means
2 physical and cyber-based public and private systems
3 essential to the minimum operations of the economy
4 and government, including information and tele-
5 communications, energy, banking and finance, trans-
6 portation, and water systems and emergency serv-
7 ices.

Page 5, after line 2, insert the following and renumber subsequent paragraphs accordingly:

8 (8) The term “key resources” means publicly or
9 privately controlled resources essential to the mini-
10 mal operations of the economy and government.

Page 7, line 12, strike “; and” and insert a semicolon.

Page 7, line 17, strike the period and insert “; and”.

Page 7, after line 17, insert the following new subparagraph:

1 (F) research, development, demonstration, test-
2 ing, evaluation, and deployment in support of sub-
3 paragraphs (A) through (E).

Page 8, after line 16, insert the following new sub-
section:

4 (c) STANDARDS POLICY.—All standards activities of
5 the Department shall be conducted in accordance with sec-
6 tion 12(d) of the National Technology Transfer Advance-
7 ment Act of 1995 (15 U.S.C. 272 note) and OMB Circular
8 A–119.

Page 9, after line 11, insert the following new para-
graph and redesignate the subsequent paragraphs accord-
ingly:

9 (7) An Under Secretary for Science and Tech-
10 nology.

Page 12, line 14, strike “title VIII” and insert “title
IX”.

Page 13, lines 4 through 7, strike paragraph (4) and
redesignate the subsequent paragraphs accordingly.

Page 13, strike “and” at the end of line 11.

Page 13, strike the period at the end of line 15 and
insert “; and”.

Page 13, after line 15, insert the following new paragraph:

1 (6) the Energy Security and Assurance Pro-
2 gram and activities of the Department of Energy,
3 including the functions of the Secretary of Energy
4 relating thereto.

Page 15, after line 24, insert the following new sections:

5 **SEC. 205. INFORMATION SECURITY.**

6 (a) RESPONSIBILITIES.—In carrying out his duties
7 under section 201, the Under Secretary for Information
8 Analysis and Infrastructure Protection shall—

9 (1) as appropriate, provide to Federal, State,
10 and local government entities, and, upon request, to
11 private entities that own or operate critical informa-
12 tion systems and communications networks—

13 (A) analysis and warnings related to
14 threats to, and vulnerabilities of, information
15 systems and communications networks; and

16 (B) in coordination with the Under Sec-
17 retary for Emergency Preparedness and Re-
18 sponse, crisis management support in response
19 to threats to, or attacks on information systems
20 and communications networks;

1 (2) develop, in concert with the private sector
2 and with other government entities and in coordina-
3 tion with the Under Secretary for Emergency Pre-
4 paredness and Response, emergency recovery plans
5 to respond to major failures of critical information
6 systems and communications networks; and

7 (3) promulgate information security standards
8 for Federal information systems, except for national
9 security and national intelligence information sys-
10 tems, developed by the National Institute of Stand-
11 ards and Technology under subsection (b).

12 (b) FEDERAL COMPUTER SECURITY.—In developing
13 the standards for promulgation under subsection (a)(3),
14 the Director of the National Institute of Standards and
15 Technology shall—

16 (1) emphasize the development of technology-
17 neutral policy guidelines and standards for computer
18 security and electronic authentication practices by
19 Federal agencies;

20 (2) develop qualitative and quantitative meas-
21 ures appropriate for assessing the quality and effec-
22 tiveness of information security and privacy pro-
23 grams at Federal agencies;

1 (3) promote the development of accreditation
2 procedures for Federal agencies based on the meas-
3 ures developed under paragraph (2);

4 (4) consult with, and provide assistance to,
5 Federal agencies regarding the selection by agencies
6 of security technologies and products and the imple-
7 mentation of security practices;

8 (5) develop uniform testing procedures suitable
9 for determining the conformance of commercially
10 available security products to the guidelines and
11 standards developed under paragraph (1);

12 (6) establish procedures for the certification of
13 private sector laboratories to perform the tests of
14 commercially available security products developed in
15 accordance with paragraph (5);

16 (7) promote the testing of commercially avail-
17 able security products for their conformance with
18 guidelines developed under paragraph (1); and

19 (8) develop technology-neutral guidelines and
20 standards, or adopt existing technology-neutral in-
21 dustry guidelines and standards, for electronic au-
22 thentication infrastructures to be made available to
23 Federal agencies so that such agencies may effec-
24 tively select and utilize electronic authentication
25 technologies in a manner that is adequately secure

1 to meet the needs of those agencies and their trans-
2 action partners and interoperable to the maximum
3 extent possible, and ensure that those guidelines and
4 standards include—

5 (A) protection profiles for cryptographic
6 and noncryptographic methods of authen-
7 ticating identity for electronic authentication
8 products and services;

9 (B) a core set of interoperability specifica-
10 tions for the use of electronic authentication
11 products and services in electronic transactions
12 between Federal agencies and their transaction
13 partners; and

14 (C) validation criteria to enable Federal
15 agencies to select cryptographic electronic au-
16 thentication products and services appropriate
17 to their needs.

18 (c) DEFINITIONS.—As used in this section—

19 (1) the term “information system” means any
20 equipment or interconnected system or subsystems
21 of equipment that is used in the automatic acquisi-
22 tion, storage, manipulation, management, movement,
23 control, display, switching, interchange, trans-
24 mission, or reception of data or information, and
25 includes—

- 1 (A) computers and computer networks;
2 (B) ancillary equipment;
3 (C) software, firmware, and related proce-
4 dures;
5 (D) services, including support services;
6 and
7 (E) related resources;

8 (2) the term “Federal information system”
9 means an information system operated by a Federal
10 agency or by a contractor of a Federal agency or
11 other organization that processes information (using
12 an information system) on behalf of the Federal
13 Government to accomplish a Federal function;

14 (3) the term “electronic authentication” means
15 cryptographic or noncryptographic methods of au-
16 thenticating identity in an electronic communication;
17 and

18 (4) the term “electronic authentication infra-
19 structure” means the software, hardware, and per-
20 sonnel resources, and the procedures, required to ef-
21 fectively utilize electronic authentication tech-
22 nologies.

23 **SEC. 206. NET GUARD.**

24 (a) IN GENERAL.—The Under Secretary for Informa-
25 tion Analysis and Infrastructure Protection, in coordina-

1 tion with the Under Secretary for Emergency Prepared-
2 ness and Response, shall establish a national technology
3 guard, known as NET Guard, comprising teams of volun-
4 teers with expertise in relevant areas of science and tech-
5 nology, to assist local communities to respond and recover
6 from attacks on information systems and communications
7 networks (if requested by a local community and approved
8 by the Under Secretary for Information Analysis and In-
9 frastructure Protection). In carrying out this responsi-
10 bility, the Under Secretary for Information Analysis and
11 Infrastructure Protection shall—

12 (1) establish procedures for the deployment of
13 NET Guard teams;

14 (2) establish criteria for the certification of
15 such teams, including—

16 (A) the types of expertise, capabilities, and
17 equipment required; and

18 (B) minimum training and practice re-
19 quirements;

20 (3) issue credentials and forms of identification,
21 as appropriate, identifying each such team and its
22 members and may suspend or terminate certification
23 of, and recover credentials and forms of identifica-
24 tion from, any NET Guard team, or any member

1 thereof, when the Under Secretary deems it appro-
2 priate; and

3 (4) disseminate to local communities informa-
4 tion about the capabilities of NET Guard.

5 (b) DEPLOYMENT.—The Under Secretary for Infor-
6 mation Analysis and Infrastructure Protection, in coordi-
7 nation with the Under Secretary for Emergency Prepared-
8 ness and Response, may—

9 (1) activate NET Guard teams in an emergency
10 (as defined in section 102(1) of the Robert T. Staf-
11 ford Disaster Relief and Emergency Assistance Act),
12 or a major disaster;

13 (2) authorize the payment to a member of a
14 NET Guard team for the period that member is en-
15 gaged in performing duties as such at the request of
16 the United States by—

17 (A) compensating them as employees for
18 temporary or intermittent services as experts or
19 consultants under section 3109 or title 5,
20 United States Code; and

21 (B) providing travel or transportation ex-
22 penses, including per diem in lieu of subsist-
23 ence, as provided by section 5703 of title 5,
24 United States Code;

1 (3) assign, on a voluntary basis, NET Guard
2 teams to work, on a temporary basis, on such other
3 technology-related projects that the Under Secretary
4 for Information Analysis and Infrastructure Protec-
5 tion deems appropriate; and

6 (4) conduct such additional activities as the
7 Under Secretary for Information Analysis and Infra-
8 structure Protection deems necessary to fulfill the
9 purpose of this section.

Page 16, line 15, through page 17, line 3, strike “threats” and all that follows through “technology and systems” and insert “threats, including establishing priorities”.

Page 17, line 10, redesignate paragraph (4) as paragraph (2).

Page 17, line 16, strike “title VIII” and insert “title IX”.

Page 18, lines 4 through 7, strike subparagraph (A).

Page 18, lines 8 and 18, redesignate subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

Page 18, line 17, insert “and” after “Secretary of Energy;”.

Page 18, line 21, insert “and” after “and cooperation program;”.

Strike page 18, line 22, through page 19, line 9.

Page 19, line 13, strike “; and” and insert a period.

Page 19, strike lines 14 through 17.

Page 19, line 18, through page 20, line 21, strike section 303, and renumber the subsequent section accordingly.

Page 22, line 2, strike “and”.

Page 22, line 5, strike the period and insert “; and”.

Page 22, after line 5, insert the following new paragraph:

- 1 (6) promulgating identification and security
- 2 standards and measures for use by the Department
- 3 in carrying out paragraphs (1), (2), and (5).

Page 22, line 7, strike “title VIII” and insert “title IX”.

Page 23, line 2, insert “(except its research and development activities)” after “of the Department of Transportation”.

Page 24, after line 6, insert the following new subsection:

1 (c) REPORT.—Not later than December 31, 2002, or
2 30 days after the date of the enactment of this Act, which-
3 ever is later, the Director of the Office of Science and
4 Technology Policy shall submit to the Congress a report
5 on how the provisions of this section will affect procedures
6 for the issuance of student visas.

Page 25, line 22, insert “, including interventions to treat the psychological consequences of terrorist attacks or major disasters and provision for training for mental health workers to allow them to respond effectively to such attacks or disasters” after “major disasters”.

Page 26, line 11, strike “title VIII” and insert “title IX”.

Page 26, line 17, insert “, and the Integrated Hazard Information System of the National Oceanic and Atmospheric Administration” after “relating thereto”.

Page 30, after line 9, insert the following new section:

7 **SEC. 506. UNITED STATES FIRE ADMINISTRATION.**

8 (a) STATUTORY AUTHORITY.—The United States
9 Fire Administration shall continue to exist as a distinct

1 entity within the Department, and shall continue to carry
2 out the activities specified in the Federal Fire Prevention
3 and Control Act of 1974.

4 (b) ASSISTANCE TO FIREFIGHTERS GRANTS PRO-
5 GRAM.—

6 (1) IN GENERAL.—The Under Secretary for
7 Emergency Preparedness and Response, through the
8 United States Fire Administration, shall administer
9 the grant program under section 33 of the Federal
10 Fire Prevention and Control Act of 1974 (15 U.S.C.
11 2229).

12 (2) AMENDMENTS.—Section 33 of the Federal
13 Fire Prevention and Control Act of 1974 (15 U.S.C.
14 2229) is amended—

15 (A) in subsection (b)(2)(B)(i), by inserting
16 “, including a requirement for peer review of
17 the selection process” after “under this sec-
18 tion”;

19 (B) in subsection (b)(3)(N), by inserting
20 “including funding to enable training described
21 in subparagraph (B)” after “that utilize volun-
22 teers”;

23 (C) in subsection (b)(5)(B)(i), by inserting
24 “In allocating funds under this section, the Ad-
25 ministrator shall not discriminate against an

1 applicant whose funding jurisdiction places a
2 high budget priority on fire department needs.”
3 after “for which applied.”; and

4 (D) in subsection (b)(11), by striking “pro-
5 fessional” and inserting “career”.

6 (c) CONSULTATION.—The Under Secretary for
7 Emergency Preparedness and Response shall consult with
8 the Administrator of the United States Fire Administra-
9 tion on the implementation of programs that involve fire-
10 fighters or emergency medical personnel, including the
11 First Responder Grant Initiative.

Page 31, after line 14, insert the following new title
and renumber the subsequent titles and sections accord-
ingly:

12 **TITLE VII—SCIENCE AND**
13 **TECHNOLOGY**

14 **SEC. 701. UNDER SECRETARY FOR SCIENCE AND TECH-**
15 **NOLOGY.**

16 In assisting the Secretary with the responsibilities
17 specified in section 101(b)(2)(F), the primary responsibil-
18 ities of the Under Secretary for Science and Technology
19 shall include—

20 (1) establishing and administering the primary
21 research and development activities of the Depart-
22 ment;

1 (2) conducting basic and applied research, de-
2 velopment, demonstration, testing, and evaluation
3 activities that are relevant to any or all units of the
4 Department, through both intramural and extra-
5 mural programs;

6 (3) serving as the chief scientist and chief tech-
7 nology officer of the Department, providing advice to
8 the Secretary on all matters relating to science and
9 technology;

10 (4) coordinating all research, development, dem-
11 onstration, testing, and evaluation activities of the
12 Department;

13 (5) facilitating the deployment of technology
14 that will serve to enhance homeland security;

15 (6) developing and overseeing the administra-
16 tion of guidelines for merit review of research and
17 development projects throughout the Department;

18 (7) developing guidelines for the dissemination
19 of research conducted or sponsored by the Depart-
20 ment; and

21 (8) coordinating with the Office of Science and
22 Technology Policy and the White House Office of
23 Homeland Security and other appropriate Federal
24 agencies in developing and carrying out the science
25 and technology agenda of the Department.

1 **SEC. 702. FUNCTIONS TRANSFERRED.**

2 (a) IN GENERAL.—In accordance with title IX, there
3 shall be transferred to the Secretary the functions, per-
4 sonnel, assets, and liabilities of the following entities—

5 (1) the following programs and activities of the
6 Department of Energy, including the functions of
7 the Secretary of Energy relating thereto (but not in-
8 cluding programs and activities relating to the stra-
9 tegic nuclear defense posture of the United
10 States)—

11 (A) the chemical and biological national se-
12 curity and supporting programs and activities
13 of the nonproliferation and verification research
14 and development program;

15 (B) such life sciences activities of the bio-
16 logical and environmental research program re-
17 lated to microbial pathogens as may be des-
18 ignated by the President for transfer to the De-
19 partment;

20 (C) the Environmental Measurements Lab-
21 oratory; and

22 (D) the advanced scientific computing re-
23 search program and activities, and the intel-
24 ligence program and activities, at Lawrence
25 Livermore National Laboratory;

1 (2) the Plum Island Animal Disease Center of
2 the Department of Agriculture, including the func-
3 tions of the Secretary of Agriculture relating there-
4 to; and

5 (3) the research and development activities of
6 the Transportation Security Administration.

7 (b) NOTIFICATION.—(1) At least 60 days before ef-
8 fecting any transfer pursuant to subsection (a)(1)(A), the
9 President shall transmit to the Congress a report
10 describing—

11 (A) which national laboratories will be affected
12 by the transfer, and the estimated number of em-
13 ployees and amount of expenditures that would be
14 transferred at each affected national laboratory;

15 (B) any changes to the contracts between the
16 Department of Energy and the operators of national
17 laboratories necessary for the Department to carry
18 out activities at the national laboratories, and any
19 other agreements necessary to carry out such activi-
20 ties;

21 (C) any changes to the physical plant of any
22 national laboratory and any transfer of workers to
23 a different location that will result from the transfer
24 under subsection (a)(1)(A);

1 (D) how the transfer under subsection
2 (a)(1)(A) will affect the duties of workers at affected
3 national laboratories who work on both homeland se-
4 curity issues and other matters; and

5 (E) what impact the transfer under subsection
6 (a)(1)(A) will have on the ability of the national lab-
7 oratories to carry out their other duties.

8 (2) At least 60 days before effecting any transfer pur-
9 suant to subsection (a)(1)(B), the President shall notify
10 the Congress of the proposed transfer and shall include
11 the reasons for the transfer and a description of the im-
12 pact of the transfer on the activities of the Department
13 of Energy.

14 (3) At least 60 days before effecting any transfer pur-
15 suant to subsection (a)(1)(D), the President shall submit
16 a report to the Congress describing—

17 (A) any changes to the contract between the
18 Department of Energy and the operator of Lawrence
19 Livermore National Laboratory necessary for the
20 Department to carry out activities at Lawrence
21 Livermore National Laboratory, and any other
22 agreements necessary to carry out such activities;

23 (B) any changes to the physical plant or trans-
24 fers of workers to different sites at Lawrence Liver-
25 more National Laboratory being made to enable the

1 Department to carry out activities at the Labora-
2 tory;

3 (C) how the transfer under subsection (a)(1)(D)
4 will affect the duties of workers at Lawrence Liver-
5 more National Laboratory who work on both home-
6 land security issues and other matters; and

7 (D) any relationships the Department intends
8 to develop with other national laboratories of the
9 Department of Energy.

10 (4) At least 180 days before any change in the bio-
11 safety level at the facility described in subsection (a)(2),
12 the President shall notify the Congress of the change and
13 describe the reasons therefor. No such change may be
14 made until at least 180 days after the completion of the
15 transition period defined in section 901(2).

16 **SEC. 703. CONDUCT OF CERTAIN PUBLIC HEALTH-RELATED**
17 **ACTIVITIES.**

18 (a) CERTAIN ACTIVITIES CARRIED OUT THROUGH
19 HHS.—(1) Except as the President may otherwise direct,
20 the Secretary shall carry out his civilian human health-
21 related biological, biomedical, and infectious disease de-
22 fense research and development (including vaccine re-
23 search and development) responsibilities through the De-
24 partment of Health and Human Services (including the
25 Public Health Service), under agreements with the Sec-

1 retary of Health and Human Services, and may transfer
2 funds to him in connection with such agreements.

3 (2) With respect to any responsibilities carried out
4 through the Department of Health and Human Services
5 under this subsection, the Secretary, in consultation with
6 the Secretary of Health and Human Services, shall have
7 the authority to establish the research and development
8 program, including the setting of priorities.

9 (b) TRANSFER OF FUNDS.—With respect to such
10 other research and development responsibilities under this
11 title, including health-related chemical, radiological, and
12 nuclear defense research and development responsibilities,
13 as he may elect to carry out through the Department of
14 Health and Human Services (including the Public Health
15 Service) (under agreements with the Secretary of Health
16 and Human Services) or through other Federal agencies
17 (under agreements with their respective heads), the Sec-
18 retary may transfer funds to the Secretary of Health and
19 Human Services, or to such heads, as the case may be.

20 (c) REPORT.—Not later than 30 days after the end
21 of each fiscal year, beginning with the first fiscal year in
22 which the Department is in operation, the Under Sec-
23 retary for Science and Technology shall submit to the
24 Congress a report describing the responsibilities of the De-
25 partment that have been carried out in accordance with

1 this section and listing all transfers of funds carried out
2 under subsection (b) along with the specific purpose of
3 each transfer.

4 **SEC. 704. HOMELAND SECURITY INSTITUTE.**

5 (a) ESTABLISHMENT.—The Secretary shall establish
6 a federally funded research and development center to be
7 known as the “Homeland Security Institute” (in this sec-
8 tion referred to as the “Institute”).

9 (b) ADMINISTRATION.—The Institute shall be admin-
10 istered as a separate entity by the Secretary.

11 (c) DUTIES.—The duties of the Institute shall be de-
12 termined by the Secretary, and may include the following:

13 (1) Systems analysis, risk analysis, and simula-
14 tion and modeling to determine the vulnerabilities of
15 the Nation’s critical infrastructures and the effec-
16 tiveness of the systems deployed to reduce those
17 vulnerabilities.

18 (2) Economic and policy analysis to assess the
19 distributed costs and benefits of alternative ap-
20 proaches to enhancing security.

21 (3) Evaluation of the effectiveness of measures
22 deployed to enhance the security of institutions, fa-
23 cilities, and infrastructure that may be terrorist tar-
24 gets.

1 (4) Identification of instances when common
2 standards and protocols could improve the interoper-
3 ability and effective utilization of tools developed for
4 field operators and first responders.

5 (5) Assistance for Federal agencies and depart-
6 ments in establishing testbeds to evaluate the effec-
7 tiveness of technologies under development and to
8 assess the appropriateness of such technologies for
9 deployment.

10 (6) Assistance for disaster decisionmaking to
11 enhance skill in making decisions by public safety
12 and other crisis management personnel, in order to
13 keep Americans safe before, during, and after ter-
14 rorist incidents and natural disasters.

15 (7) Design of metrics and use of those metrics
16 to evaluate the effectiveness of homeland security
17 programs throughout the Federal Government, in-
18 cluding all national laboratories.

19 (8) Design of and support for the conduct of
20 homeland security-related exercises and simulations.

21 (9) Creation of strategic technology develop-
22 ment plans to reduce vulnerabilities in the Nation's
23 critical infrastructure and key resources.

24 (d) CONSULTATION ON INSTITUTE ACTIVITIES.—In
25 carrying out the duties described in subsection (c), the In-

1 stitute shall consult widely with representatives from pri-
2 vate industry, institutions of higher education, and non-
3 profit institutions.

4 (e) ANNUAL REPORTS.—The Institute shall transmit
5 to the Secretary and the Congress an annual report on
6 the activities of the Institute under this section.

7 **SEC. 705. INQUIRIES.**

8 (a) OFFICE.—The Secretary, acting through the
9 Under Secretary for Science and Technology, shall estab-
10 lish an office to serve as a point of entry for individuals
11 or companies seeking guidance on how to pursue proposals
12 to develop or deploy products that would contribute to
13 homeland security. Such office shall refer those seeking
14 guidance on Federal funding, regulation, acquisition, or
15 other matters to the appropriate unit of the Department
16 or to other appropriate Federal agencies.

17 (b) FUNCTIONS.—The Under Secretary for Science
18 and Technology shall work in conjunction with the Tech-
19 nical Support Working Group (organized under the April,
20 1982, National Security Decision Directive Numbered 30)
21 to—

22 (1) screen proposals described in subsection (a),
23 as appropriate;

1 (2) assess the feasibility, scientific and technical
2 merits, and estimated cost of proposals screened
3 under paragraph (1), as appropriate;

4 (3) identify areas where existing technologies
5 may be easily adapted and deployed to meet the
6 homeland security agenda of the Federal Govern-
7 ment; and

8 (4) develop and oversee the implementation of
9 homeland security technology demonstration events,
10 held at least annually, for the purpose of improving
11 contact among technology developers, vendors, and
12 acquisition personnel.

13 **SEC. 706. MISCELLANEOUS PROVISIONS.**

14 (a) **AUTHORITY TO REORGANIZE.—**

15 (1) **IN GENERAL.—**Notwithstanding any other
16 provision of this Act, the responsibilities of the
17 Under Secretary for Science and Technology under
18 section 701 may not be reassigned to any other
19 Under Secretary, or to any person under the author-
20 ity of any other Under Secretary.

21 (2) **NOTICE TO CONGRESS.—**(A) As soon as
22 practicable after the date of enactment of this Act,
23 but not later than December 31, 2002, the President
24 shall submit to the Congress a plan regarding how
25 the science and technology functions of the Depart-

1 ment, including those functions transferred to the
2 Department from other departments and agencies,
3 are to be organized. Such plan shall not take effect
4 until 90 days after the President has submitted the
5 plan to the Congress.

6 (B) The President shall notify the Congress of
7 any subsequent changes to the plan, and no pro-
8 posed changes shall take effect until 90 days after
9 the notification has been submitted to the Congress.

10 (b) CLASSIFICATION.—(1) To the greatest extent
11 practicable, research conducted or supported by the De-
12 partment shall be unclassified.

13 (2) The Under Secretary for Science and Technology
14 shall—

15 (A) decide whether classification is appropriate
16 prior to the award of a research grant, contract, or
17 cooperative agreement by the Department and, if so,
18 shall control the research results through standard
19 classification procedures; and

20 (B) periodically review all classified research
21 grants, contracts, or cooperative agreements issued
22 by the Department to determine whether classifica-
23 tion is still necessary.

24 No restrictions shall be placed upon the conduct or report-
25 ing of federally-funded fundamental research that has not

1 received national security classification, except as provided
2 in applicable provisions of law.

3 (c) CONSTRUCTION.—Nothing in this title shall be
4 construed to preclude any Under Secretary of the Depart-
5 ment from carrying out research, development, demonstra-
6 tion, or deployment activities, as long as such activities
7 are coordinated through the Under Secretary for Science
8 and Technology.

9 (d) REGULATIONS.—The Secretary, acting through
10 the Under Secretary for Science and Technology, may
11 issue necessary regulations with respect to research, devel-
12 opment, demonstration, testing, and evaluation activities
13 of the Department, including the conducting, funding, and
14 reviewing of such activities.

15 (e) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the Secretary should consult with the National
17 Aeronautics and Space Administration in developing com-
18 puter security systems and processes, capitalizing on their
19 expertise developed through International Space Station
20 and satellite technology research.

21 **SEC. 707. COORDINATION COUNCIL.**

22 (a) ESTABLISHMENT AND COMPOSITION.—There is
23 established within the Department a Homeland Security
24 Science and Technology Coordination Council (in this sec-
25 tion referred to as the “Coordination Council”). The Co-

1 ordination Council shall be composed of all the Under Sec-
2 retaries of the Department and any other Department of-
3 ficials designated by the Secretary, and shall be chaired
4 by the Undersecretary for Science and Technology. The
5 Coordination Council shall meet at the call of the chair.

6 (b) RESPONSIBILITIES.—The Coordination Council
7 shall—

8 (1) establish priorities for research, develop-
9 ment, demonstration, testing, and evaluation activi-
10 ties conducted or supported by the Department;

11 (2) ensure that the priorities established under
12 paragraph (1) reflect the acquisition needs of the
13 Department; and

14 (3) assist the Under Secretary for Science and
15 Technology in carrying out his responsibilities under
16 section 701(4).

17 **SEC. 708. HOMELAND SECURITY SCIENCE AND TECH-**
18 **NOLOGY ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT.—There is established within
20 the Department a Homeland Security Science and Tech-
21 nology Advisory Committee (in this section referred to as
22 the “Advisory Committee”). The Advisory Committee
23 shall make recommendations with respect to the activities
24 of the Under Secretary for Science and Technology, in-

1 cluding identifying research areas of potential importance
2 to the security of the Nation.

3 (b) MEMBERSHIP.—

4 (1) APPOINTMENT.—The Advisory Committee
5 shall consist of 20 members appointed by the Under
6 Secretary for Science and Technology, which shall
7 include emergency first-responders or representatives
8 of organizations or associations of emergency first-
9 responders. The Advisory Committee shall also in-
10 clude representatives of citizen groups, including
11 economically disadvantaged communities. The indi-
12 viduals appointed as members of the Advisory
13 Committee—

14 (A) shall be eminent in fields such as
15 emergency response, research, engineering, new
16 product development, business, and manage-
17 ment consulting;

18 (B) shall be selected solely on the basis of
19 established records of distinguished service;

20 (C) shall not be employees of the Federal
21 Government; and

22 (D) shall be so selected as to provide rep-
23 resentation of a cross-section of the research,
24 development, demonstration, and deployment

1 activities supported by the Under Secretary for
2 Science and Technology.

3 (2) NATIONAL RESEARCH COUNCIL.—The
4 Under Secretary for Science and Technology may
5 enter into an arrangement for the National Research
6 Council to select members of the Advisory Com-
7 mittee, but only if the panel used by the National
8 Research Council reflects the representation de-
9 scribed in paragraph (1).

10 (c) TERMS OF OFFICE.—

11 (1) IN GENERAL.—Except as otherwise pro-
12 vided in this subsection, the term of office of each
13 member of the Advisory Committee shall be 3 years.

14 (2) ORIGINAL APPOINTMENTS.—The original
15 members of the Advisory Committee shall be ap-
16 pointed to three classes of three members each. One
17 class shall have a term of one year, one a term of
18 two years, and the other a term of three years.

19 (3) VACANCIES.—A member appointed to fill a
20 vacancy occurring before the expiration of the term
21 for which the member's predecessor was appointed
22 shall be appointed for the remainder of such term.

23 (d) ELIGIBILITY.—A person who has completed two
24 consecutive full terms of service on the Advisory Com-
25 mittee shall thereafter be ineligible for appointment during

1 the one-year period following the expiration of the second
2 such term.

3 (e) MEETINGS.—The Advisory Committee shall meet
4 at least quarterly at the call of the Chair or whenever one-
5 third of the members so request in writing. Each member
6 shall be given appropriate notice of the call of each meet-
7 ing, whenever possible not less than 15 days before the
8 meeting.

9 (f) QUORUM.—A majority of the members of the Ad-
10 visory Committee not having a conflict of interest in the
11 matter being considered by the Advisory Committee shall
12 constitute a quorum.

13 (g) CONFLICT OF INTEREST RULES.—The Advisory
14 Committee shall establish rules for determining when one
15 of its members has a conflict of interest in a matter being
16 considered by the Advisory Committee.

17 (h) REPORTS.—

18 (1) ANNUAL REPORT.—The Advisory Com-
19 mittee shall render an annual report to the Under
20 Secretary for Science and Technology for transmittal
21 to the Congress on or before January 31 of each
22 year. Such report shall describe the activities and
23 recommendations of the Advisory Committee during
24 the previous year.

1 (2) ADDITIONAL REPORTS.—The Advisory
2 Committee may render to the Under Secretary for
3 transmittal to the Congress such additional reports
4 on specific policy matters as it considers appro-
5 priate.

6 (i) FACA EXEMPTION.—Section 14 of the Federal
7 Advisory Committee Act shall not apply to the Advisory
8 Committee.

9 **SEC. 709. UNIVERSITY-BASED CENTERS FOR HOMELAND**
10 **SECURITY.**

11 (a) ESTABLISHMENT.—The Secretary, acting
12 through the Under Secretary for Science and Technology,
13 shall establish up to 4 university-based centers for home-
14 land security to provide a coordinated, university-based
15 approach to enhance the Nation's homeland security.

16 (b) SELECTION.—In selecting colleges or universities
17 as centers for homeland security, the Secretary shall con-
18 sider the following criteria:

19 (1) Demonstrated expertise in the training of
20 first responders.

21 (2) Demonstrated expertise in responding to in-
22 cidents involving weapons of mass destruction.

23 (3) Demonstrated expertise in health sciences.

24 (4) Demonstrated expertise in emergency med-
25 ical services.

1 (5) Demonstrated expertise in the area of bio-
2 logical and life sciences.

3 (6) Strong affiliations with animal and plant di-
4 agnostic laboratories.

5 (7) Demonstrated expertise in food safety.

6 (8) Affiliation with Department of Agriculture
7 laboratories or training centers.

8 (9) Demonstrated expertise in water and waste-
9 water operations.

10 (10) Nationally recognized programs dealing
11 with environment and public health in both urban
12 and rural areas.

13 (11) Demonstrated expertise in port and water-
14 way security.

15 (12) Demonstrated expertise in multi-modal
16 transportation.

17 (13) Nationally recognized programs in infor-
18 mation security.

19 (14) Nationally recognized programs in engi-
20 neering.

21 (15) Demonstrated expertise in educational out-
22 reach and technical assistance.

23 (16) Demonstrated expertise in border trans-
24 portation and security.

1 (17) Demonstrated expertise in interdisciplinary
2 public policy research and communication outreach
3 regarding science, technology and public policy.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as may be
6 necessary to carry out this section.

Page 36, strike lines 12 through 25.

Page 37, strike lines 1 through 10 and renumber the
subsequent subsections accordingly.

Page 52, after line 11, add the following new sec-
tions:

7 **SEC. 1008. OFFICE OF SCIENCE AND TECHNOLOGY POLICY.**

8 The National Science and Technology Policy, Organi-
9 zation, and Priorities Act is amended—

10 (1) in section 204(b)(1) (42 U.S.C.
11 6613(b)(1)), by inserting “homeland security,” after
12 “national security,”; and

13 (2) in section 208(a)(1) (42 U.S.C.
14 6617(a)(1)), by inserting “the Office of Homeland
15 Security,” after “National Security Council,”.

1 **SEC. 1009. NATIONAL OCEANOGRAPHIC PARTNERSHIP**
2 **PROGRAM.**

3 Section 7902 (b) of title 10, United States Code, is
4 amended by adding at the end the following new para-
5 graphs:

6 “(13) The Under Secretary of Homeland Secu-
7 rity for Science and Technology.

8 “(14) Other Federal officials the Council con-
9 siders appropriate.”.

10 **SEC. 1010. CONDUCT OF CERTAIN MEASUREMENT AND**
11 **STANDARDS DEVELOPMENT ACTIVITIES.**

12 The National Institute of Standards and Technology
13 Act (15 U.S.C. 271 et seq.) is amended—

14 (1) by redesignating section 32 as section 34;
15 and

16 (2) by inserting after section 31 the following
17 new section:

18 “CONDUCT OF CERTAIN MEASUREMENT AND STANDARDS
19 DEVELOPMENT ACTIVITIES

20 “SEC. 32. (a) ACTIVITIES BY INSTITUTE.—Except as
21 the President may otherwise direct, the Institute, in ac-
22 cordance with cooperative agreements entered into with
23 the Secretary of Homeland Security, shall carry out—

24 “(1) a program of measurement and standards
25 development activities related to the detection of

1 chemical, biological, radiological, nuclear, and explo-
2 sive threats; and

3 “(2) a program to develop standards and guide-
4 lines with respect to border and transportation secu-
5 rity technologies, which shall include conformity as-
6 sessment and related activities.

7 The Secretary of Homeland Security shall transfer funds
8 to the Director in connection with such programs.

9 “(b) REPORT.—Not later than 30 days after the end
10 of each fiscal year, beginning with the first fiscal year in
11 which the Department of Homeland Security is in oper-
12 ation, the Director shall transmit to the Congress a report
13 describing the activities carried out under this section, and
14 listing all transfers of funds carried out under subsection
15 (a), along with the specific purpose of each transfer.”.

16 **SEC. 1011. STANDARDS REVIEW.**

17 The National Institute of Standards and Technology
18 Act (15 U.S.C. 271 et seq.), as amended by section 1010
19 of this Act, is further amended by adding after section
20 32 the following new section:

21 “STANDARDS REVIEW

22 “SEC. 33. The Director, in accordance with an agree-
23 ment entered into with the Secretary of Homeland Secu-
24 rity, and in consultation with standards development orga-
25 nizations as appropriate, shall prepare a list of United
26 States homeland security-related voluntary consensus

1 standards needs. Within one year after the date of the
2 enactment of the Homeland Security Act of 2002—

3 “(1) the Director shall transmit to the Congress
4 a 3-year plan outlining research priorities to assist
5 in the development of the listed standards; and

6 “(2) the Secretary of Homeland Security shall
7 transmit to the Congress a Government-wide plan
8 for expediting the development, revision, and pro-
9 mulgation of these standards, including specific
10 steps that Federal agencies should take to provide
11 the resources to voluntary standards development or-
12 ganizations needed to have the standards in place as
13 soon as is practicable.”.